

REMARKS

Claims 41-42, 44-52, 57-68, 70-78 and 100-106 stand rejected. Claims 41-42, 44-49, 51-52, 60-68, 70-76 and 100-106, stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pub. No. 2004/0054630 (“Ginter”). Claim 50 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ginter in view of U.S. Pat. No. 6,243,350 (“Knight”). Claims 57-58, 77-78, stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ginter in view of U.S. Pat. No. 6,147,715 (“Yuen”). Claim 59, stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ginter in view of Yuen and U.S. Pub. No. 2005/0010949 (“Ward”). Claims 41, 60, 63, and 100 are amended in this response. No new matter has been added with these amendments.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 41-42, 44-49, 51-52, 60-68, 70-76 and 100-106, of which claims 41, 60, 70, and 100 are the independent claims, currently stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Ginter.

Independent Claim 41

Claim 41 is directed to a video distribution method performed by a video distribution system. Without conceding the propriety of the rejection and arguments supporting the rejection of claim 41 in the Office Action prior to the amendments herein, Applicants submit that the reference cited in the rejection does not disclose the subject matter of claim 41 as amended.

Claim 41 recites, in part:

in response to each time a video item is viewed by a consumer using a particular one of said player devices at a remote viewing location, receiving from the particular one of said player devices information identifying the video item viewed and at least one distribution agent associated with the video item viewed

In rejecting claim 45, canceled with this amendment, the examiner asserted that “Ginter discloses the step or receiving information identifying the viewed item and distribution agent associated with the item at the system operator location indicating each time the recorded

data is played. See Ginter [0376].” (Office Action of 2/15/08, p. 9.) The cited passage of Ginter reads:

virtual distribution environment 100 will "meter" each time a consumer watches the video, and report usage to video production studio 204 *from time to time*

(Ginter, ¶ 0376, emphasis added.) Thus Ginter teaches at most occasional reporting of consumer usage (“from time to time”) and does not teach receiving information identifying the video item viewed and at least one distribution agent associated with the video item viewed *in response to each time a video item is viewed*.

For at least the reasons explained above, Applicants respectfully submit that the cited reference does not teach the recitations of claim 41 and, therefore, claim 41 is patentably defined over the cited art. Accordingly, Applicants respectfully request that the rejection of claim 41 be withdrawn.

Dependent Claims 42, 44-49, and 51-52

Claims 42, 44-49, and 51-52 each depend, directly or indirectly, from claim 41. Applicants respectfully submit that for at least the reasons explained above with respect to independent claim 41, each of these dependent claims is patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be withdrawn.

Independent Claims 60, 70, and 100

Claim 60 as amended recites, in part:

the digital data recording comprises a multitude of data frames having a specified security code, and the at least one playback device comprises a specified circuit to prevent the at least one playback device from outputting data frames not having said specified security code.

Claim 70 recites, in part:

each of the recordings includes a multitude of data frames having a specified security feature, and the at least one playback device includes circuits to control the at least one playback device so that the at least one playback device is able to output only data frames having the specified security feature

Claim 100 as amended recites, in part:

the recorded data includes a multitude of data frames having a specified security code, and the playback device includes a specified circuit to prevent the playback device from outputting data frames not having said specified security code.

In the outstanding Office Action, the Examiner asserted that Ginter teaches:

The VDE system associates rules and controls with content and prevents the content from being accessed unless the set of rules and controls is available (see [0399]). The ROS further is responsible for correlating the control information to prevent unauthorized use of the elements (see [0586]). Therefore Ginter teaches the step of digital recording having a multitude of a specified security code (control information), the playback device comprising a specified circuit (ROS) to prevent the at least one playback device from outputting data frames not having a specified security code.

(Office Action of 2/15/08, p. 6.) Ginter provides several examples of “rules and controls” such as: “may grant specific individuals or classes of content users 112 "permission" to use certain content;” “may specify what kinds of content usage are permitted, and what kinds are not;” “may specify how content usage is to be paid for and how much it costs;” “may specify how content usage is to be paid for and how much it costs;” “may specify which financial clearinghouse(s) 116 may process payments;” “may specify which participant(s) receive what kind of usage report;” “may specify that certain information is revealed to certain participants, and that other information is kept secret from them;” and “may self limit if and how they may be changed.” Applicants are unable to discern any disclosure or suggestion in Ginter of a *multitude of data frames having a specified security code or feature*, nor of a circuit to *prevent the playback device from outputting data frames not having the specified security code or feature*.

For at least the reasons explained above, Applicants respectfully submit that Ginter does not teach the recitations of claims 60, 70, or 100 and, therefore, claims 60, 70, and 100 are patentably defined over the cited art. Accordingly, Applicants respectfully request that the rejection of claim 60, 70, and 100 be withdrawn.

Dependent Claims 61-68, 71-76 and 101-106

Claims 61-68 each depend, directly or indirectly, from claim 60. Claims 71-76 each depend, directly or indirectly, from claim 70. Claims 101-106 each depend, directly or indirectly, from claim 100. Applicants respectfully submit that for at least the reasons explained above with respect to independent claims 60, 70, and 100, each of these dependent claims is patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be withdrawn.

Claim Rejections – 35 U.S.C. § 103(a)

Dependent Claims 50, 57-59, 77, and 78

Claims 50, 57-59, 77, and 78 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over various combinations of Ginter, Knight, Yuen, and Ward. Claims 50 and 57-59 depend, directly or indirectly, from claim 41. Claims 77 and 78 depend indirectly from claim 70. Applicants respectfully submit that for at least the reasons explained above with respect to independent claims 41 and 70, each of these dependent claims is patentably defined over the cited art and, accordingly, respectfully request that the rejection of these claims be withdrawn.

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Conclusion

As explained above, Applicants submit that claims 41-42, 44-52, 57-68, 70-78 and 100-106, which currently stand rejected in the Application, are patentably defined over the cited art. The Examiner is respectfully urged to reconsider the Application. Favorable consideration and passage to issue of the application is earnestly solicited. If the Examiner should, however, find the claims as presented herein are not allowable for any reason or if the Examiner has any questions, comments, or suggestions that would expedite the prosecution of the present case, the Applicants undersigned representative would sincerely welcome a telephone conference at (206) 903-2475.

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